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# **Policy difference and policy ownership under UK devolution: social housing policy in Northern Ireland**

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## **Abstract**

This paper assesses the impact of UK devolution on social housing policy in Northern Ireland from 1999 until 2011, with a particular focus on the administration from May 2007 until April 2011, the first in which the elected elements of the process functioned for the entire period. Housing is one of the responsibilities of the Minister for Social Development. Northern Ireland has had a political commitment to the provision of good quality social housing for many years, both before and after the 1998 Good Friday/ Belfast Agreement and the establishment of the Northern Ireland Assembly and Executive in 1999.

The paper begins with an analysis of factors contributing to policy difference within the United Kingdom under the 1999 devolution settlement, noting that these factors may contribute either to policy convergence or divergence between the four UK jurisdictions. There follow reflections on the concept of 'policy ownership' in multi-level states and the benefits of this analytical approach for consideration of housing policy under UK devolution. A review of social housing policy since 1999 is followed by discussion of three key issues from the 2007-11 administration: the governance of social housing; the procurement of new social housing; and improving access to shared space and a shared future. The paper concludes that, in Northern Ireland, the 2007-11 administration marked a transition between a technocratic past and the future policy ownership of the social housing policy field by locally elected politicians. Reflections on wider implications for UK social policy, for UK devolution, and for the complex governance structures of devolved and federal states are also included.

**Keywords:** governance, Northern Ireland, social housing, UK devolution

## Introduction

The provision and management of good quality social housing was a policy priority in Northern Ireland throughout the civil strife of the ‘troubles’ (Brett, 1986; Paris, 2008; NIHE, 2011a) and has continued to be so as a devolved function since the 1998 Good Friday or Belfast Agreement (NIO, 1998), the 1998 Northern Ireland Act, and the establishment of the Northern Ireland Assembly and Executive in 1999. This paper assesses the impact of UK devolution on social housing policy in Northern Ireland from 1999 until 2011, with a particular focus on the administration from May 2007 until April 2011. In Northern Ireland, devolution has been ‘inextricably bound up with the peace process’ (House of Commons Justice Committee, 2009:10) by which society is moving away from violence towards governance solely by democratic means. Despite considerable improvements to the public order situation, policy delivery still takes place against low level sectarian conflict between Protestant and Catholic<sup>1</sup> communities, including the strong territorial element which has been a key determinant of housing policy for many years (Shirlow and Murtagh, 2006).

The mandatory Executive coalition, with ministerial positions allocated on a proportional basis, has not always found it easy to work together and the Assembly and Executive were suspended between October 2002 and May 2007, with political accountability returning to the Secretary of State for Northern Ireland. Following the St Andrew’s Agreement (NIO, 2006) and the Agreement at Hillsborough Castle (NIO, 2010), prospects have improved and have allowed the devolution of policing and justice powers, previously withheld and regarded by many as the final piece in the devolution jigsaw (McKittrick, 2010). Therefore the 2007-11 electoral term is the first in which all aspects of Northern Ireland’s devolution settlement functioned fully and continuously.

The paper begins with an analysis of factors contributing to policy difference within the United Kingdom under the 1999 devolution settlement, noting that these factors may contribute either to policy convergence or divergence between the four UK jurisdictions. There follow reflections on the concept of ‘policy ownership’ (McEwan, 2005) in multi-level states and the benefits of this analytical approach for consideration of housing policy under UK devolution. Next, a review of social housing policy in Northern Ireland since 1999 is followed by a discussion of three key issues from the 2007-11 administration: the governance of social housing; the procurement of new social housing; and improving access to shared space and a shared future. Written sources are supplemented by semi-structured

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<sup>1</sup> The main ethnic division in Northern Ireland is by religious background, namely, in one case, various Protestant denominations and, in the other, the Roman Catholic church. The Roman Catholic population is referred to as ‘Catholic’, as is the general usage in Northern Ireland.

interviews with five senior participants in policy networks, which took place between May and June 2010, around the time of the UK general election. Several interviewees requested strict anonymity in order to allow them to speak freely on sensitive political issues, therefore participants' organisations cannot be revealed. The paper concludes that, in Northern Ireland, the 2007-11 administration marked a transition between a technocratic past and the future policy ownership of the social housing policy field by locally elected politicians. Reflections on wider implications for UK social policy, for UK devolution, and for the complex governance structures of devolved and federal states are also included.

### **Policy dynamics under UK devolution**

The development of social housing policy in Northern Ireland since 1999 has taken place in the context of the UK devolution settlement, which has involved a fundamental restructuring of the UK state: 'filling in' rather than 'hollowing out' the complexities of spatial difference (Goodwin et al, 2005). The process has been approached in an uneven fashion which has left the Northern Ireland and Welsh Assemblies, and the Scottish Parliament, with some differences in their structures and powers (Birrell, 2009; Elliott, 2010; Trench, 2007). It may have had a 'profound impact on the political and policy landscape of the nations of the UK' (Danson et al, 2012: 2) but arguably the impact on English policy-making, and English consciousness of the UK's other nations, has been limited. A major limiting factor on policy difference has been that welfare benefits remain a 'reserved power' (decided at Westminster) in relation to Scotland and Wales. In Northern Ireland, policy is devolved but there is a parity agreement between the UK Treasury and the Northern Ireland Executive. The costs of any increase would have to be met by Northern Ireland's block grant and therefore has never been regarded as feasible. There are however some minor administrative differences between Britain and Northern Ireland (Birrell, 2009; NIA, 2011).

### **Policy difference**

Housing policy is generally acknowledged to be an area where there is comparatively little policy divergence within the UK (Birrell, 2009; Mullins and Murie, 2006) and, specifically, between Northern Ireland and other jurisdictions (Paris et al, 2003; Paris, 2008). The most distinct housing policy approach is found in Scotland, which is outside the remit of this paper (see Kintrea, 2006; McKee, 2010). Two of Northern Ireland's key differences in social housing policy identified by Paris (2008) remain important, however: the lack of Large Scale Voluntary Transfer, in Northern Ireland's case from the Housing Executive to housing associations; and the different approach to social housing allocations and to community participation, prompted by long-standing community divisions that are unique within the UK.

**Figure One: Factors potentially affecting policy difference within the UK after devolution**

<p><b><i>Governance and citizenship</i></b></p> <ul style="list-style-type: none"> <li>• UK-wide citizenship rights and ideology e.g. welfare state, health service</li> <li>• Likelihood of coalition governments in the devolved jurisdictions</li> <li>• Influence of Secretary of State posts at Westminster</li> <li>• Public opinion</li> </ul>
<p><b><i>Policy networks</i></b></p> <ul style="list-style-type: none"> <li>• UK-wide policy networks, formal and informal: civil service, professional networks, think tanks, voluntary sector</li> <li>• Different policy communities and civil society dynamics within the devolved jurisdictions</li> <li>• Domination of England</li> <li>• Policy transfer and copying</li> <li>• Similar policy challenges</li> </ul>
<p><b><i>The political process</i></b></p> <ul style="list-style-type: none"> <li>• UK-wide political parties</li> <li>• Some different political parties in the devolved jurisdictions (especially Northern Ireland)</li> <li>• Different voting systems in the devolved jurisdictions</li> </ul>
<p><b><i>The mechanics of devolution</i></b></p> <ul style="list-style-type: none"> <li>• Impact of reserved powers on devolved policy areas and on budgets</li> <li>• Financial allocation from Westminster</li> <li>• Powers of devolved administrations</li> <li>• Weak intergovernmental co-ordination</li> </ul>
<p><b><i>Membership of the European Union</i></b></p> <ul style="list-style-type: none"> <li>• Directives</li> <li>• Negotiations undertaken at UK level</li> <li>• Policy networks e.g. multi-national projects</li> <li>• Funding</li> </ul>

**Sources:** Birrell (2009) ; Cairney et al (2009); House of Commons Justice Committee (2009); Jeffery (2006); McEwan (2005) Categorisation is the author's own.

However, lists of convergence or divergence are of limited use, as well as prompting the question 'from what?' (Mooney et al, 2006:487). It is more useful for the longer term to consider the factors that may contribute to policy *difference*. Figure One draws together and categorises relevant items under five headings: governance and citizenship; policy networks; the political process; the mechanics of devolution; and membership of the European Union. By categorising factors under individual headings, the dynamics between them and their potential influence can be better appreciated. These factors may contribute either to policy convergence or to divergence, depending on their strength, detailed characteristics and combinations, and on how they are influenced by their past and present context.

### ***Policy ownership in multi-level states***

Much of the debate on policy difference in devolved or federal structures is institutional in nature, which does not provide a complete picture of the dynamics involved (McEwan, 2005). Writing about economic policy, Goodwin et al (2005: 422) note that the capacity for success 'partly rests on a range of non-state and non-economic factors such as sub-national social, cultural and institutional forms and supports.' It has been noted that devolution has changed the nature of citizenship in the UK (Mooney et al, 2006) through providing greater recognition of nationalist sentiment in the constituent parts of the UK. This can lead to a tension in public attitudes between a continuing wish to endorse state-wide values (such as the welfare state in the UK), and 'a desire for even fuller 'ownership' of politics at the devolved level' (Jeffery, 2006:11). Only the second of these factors was acknowledged in New Labour's devolution project, which was presented as improving democracy (Jeffery, 2006) and empowering communities, 'albeit in very prescribed ways' (Mooney et al, 2006: 486). The logic of devolution might be thought to point towards policy divergence, which has not happened on a large scale. Hence the question: how different do policies actually have to be to allow them to be branded as 'ours'?

This question is addressed in depth by McEwan (2005), who argues that the focus on policy outcomes in the convergence/ divergence debate ignores process, including the political process. There may be reasons why policy divergence does not occur in multi-level states, however:

... while policy divergence may contribute to a sense of difference, it need not be a pre-requisite for institutional distinctiveness. The appearance of distinctiveness may be achieved by assuming *ownership* of public policies, and branding them as policies designed to respond to and reflect the needs and priorities of the nation or region in question. As such, policy communities may play a role in asserting territorial distinctiveness, regardless of whether the policies themselves are distinct (McEwan, 2005: 539, emphasis in original).

In other words, devolution of the policy process and political decision-making reinforces the authority of the sub-state decision-making body *even if the policies that result from this process are the same or similar to those in other parts of the 'nation'*. It is ownership of the process that is important. If policies are presented as appropriate for the jurisdiction, then they enhance the legitimacy of the administration even if the policies are no different from those of other jurisdictions. Following her research in Quebec and Scotland, McEwan claims that policy ownership is actually more important than policy divergence in establishing the legitimacy of devolved or federal administrations.



It is proposed that the concept of policy ownership is extremely beneficial for understanding housing policy under UK devolution, using the example of Northern Ireland in this paper. Policy ownership concentrates on process, and on the importance of both policy networks and political power – both of which altered in Northern Ireland under devolution.

### **Social housing policy in Northern Ireland since 1999**

Social housing policy in Northern Ireland is the responsibility of the Department for Social Development (DSD), reporting to the Minister for Social Development in the Northern Ireland Executive. The Housing Executive manages around 89,000 properties and a further 26,800 homes and 4,500 non self-contained units are managed by 33 housing associations (NIHE, 2011b). The Housing Executive also has strategic responsibilities such as the calculation of housing need; management of the new build programme; management of the Common Selection Scheme for all social housing allocations; some enforcement responsibilities for the private rented sector; provision of housing information and advice; and management of the Supporting People programme for the funding of special needs housing support (NIHE, 2011b). Both the Housing Executive and housing associations are run by appointed boards and are regulated by the DSD.

**Table One: Household tenure in the UK jurisdictions 1981 – 2007**

	% owner-occupation		% private renting		% renting from local authority/ NIHE		% renting from RSL/ housing association	
	1981	2007	1981	2007	1981	2007	1981	2007
England	58	70	11	13	28	9	2	8
Wales	63	73	9	10	27	12	1	5
Scotland	36	65	10	10	52	14	2	11
<b>Northern Ireland</b>	<b>54</b>	<b>73</b>	<b>8</b>	<b>10</b>	<b>38</b>	<b>14</b>	<b>1</b>	<b>3</b>

**Sources:** 1981 figures ONS (1998) in Paris (2001a); 2007 figures ONS (2011).

**Notes:** (i) Housing associations are known as Registered Social Landlords (RSLs) in England, Wales and Scotland. (ii) 2007 is the most recent comparative data available across the four jurisdictions.

Housing need in Northern Ireland remains high, and the Housing Executive estimates that 2,500 new units of social housing a year are required for the period 2011-14. The waiting list rose steadily from 26,248 in 2002 to 39,688 in 2008, after which there was been a slight fall to 38,120 in 2010; 9,914 homeless applicants were awarded priority status in 2010 (NIHE, 2011b). Social housing is allocated from a Common Waiting List for tenancies with either the Housing Executive or with housing associations. Allocation is complicated by the residential segregation that increased during the Troubles and has not reversed since (Shirlow and Murtagh, 2006). Northern Ireland's politicians acknowledge continuing housing need and

support the sector strongly. However, as in the rest of the UK, social housing is becoming an increasingly residualised tenure, and trends are similar across the four jurisdictions (Table One).

Political support for social housing goes hand in hand with the promotion of home ownership including the sale of social housing. There has been no indication that Northern Ireland's politicians wished to follow Scotland in abolishing the House Sales Scheme, the local version of Right to Buy. Indeed, the scheme was extended in 2009 to include an equity sharing option. Northern Ireland's average house price peaked in the third quarter of 2007 at £250,586 and by third quarter 2010 had plunged to £143,243, a decrease of 41 per cent and a return to 2005 prices (NIHE, 2011b). Previous policy concerns about affordability due to high prices (Semple, 2007) were replaced by issues about access to mortgage finance, especially for first time buyers. It is not yet clear what impact these changes will have across the housing system as a whole, although there is a view that the private rented sector will continue to grow (Frey and Grey, 2010).

### ***Legislation and policy development 1999-2011***

Social housing policy development in Northern Ireland under devolution has been fragmented and without an overall vision or focus<sup>2</sup>. At the end of the 2007-2011 Assembly term there was still no comprehensive housing strategy, despite sustained pressure from the region's policy networks from 1999 onwards. The situation compares unfavourably with Wales, where despite a lack of legislative powers, a housing strategy was produced soon after the establishment of the Welsh Assembly (National Assembly for Wales, 2001; Welsh Assembly Government 2010). However, the quality of debate in Northern Ireland about what *ought* to be done has been high, as demonstrated by a number of inquiries and a high level of local policy research and debate throughout the period.

Figure Two provides details of legislation since 1999 (including Orders in Council passed when the Assembly was suspended) relating to social housing, beginning with the introduction of the UK-wide Supporting People programme in 2002. The comprehensive Housing (Northern Ireland) Order 2003 included a number of items already operational elsewhere in the UK including introductory tenancies and, most particularly, a change to the criteria for Large Scale Voluntary Transfers (LSVT) from the Housing Executive to housing associations (from a veto by one household to majority support). Despite this regularisation, LSVT remained unpopular and very little stock had been transferred by 2011, providing a

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<sup>2</sup> Useful accounts of social housing in Northern Ireland before devolution include chapters in Paris (2001b); Paris et al (2003); and Paris (2008).

point of divergence from British practice (Pawson and Mullins, 2010). The only measure in the 2003 Order unique to Northern Ireland was the extension of the House Sales Scheme to housing association tenants, which received wide support from local politicians. In 2004, Anti-Social Behaviour Orders were introduced, six years after the rest of the UK and perhaps a significant step towards the normalisation of public order management in the province.

**Figure Two: Northern Ireland housing legislation affecting social housing 1999 – 2011**

<b>Title</b>	<b>Issues covered</b>
Housing Support Services (Northern Ireland) Order 2002	Introduction of Supporting People: housing-related support to vulnerable people
Housing (Northern Ireland) Order 2003	Introduction of house sales scheme for housing associations; changes to ballot criteria to enable Large Scale Voluntary Transfers (LSVT); introductory tenancies for social housing; widened grounds for possession due to anti-social behaviour and domestic violence; minor change to homeless definition; tighter regulation of private rented sector.
Anti-Social Behaviour (Northern Ireland) Order 2004	Introduced Anti Social Behaviour Orders to Northern Ireland for the first time, applicable to those aged 10 or over – may be applied for by a council, the police or the Housing Executive.
Housing (Amendment) (Northern Ireland) Order 2006	Transfer of powers to the Housing Executive from the DSD for management of the Social Housing Development Programme (delivered by housing associations)
Housing (Amendment) Act (Northern Ireland) 2010	Housing Executive given new duties to publish a homelessness strategy every five years and to provide free housing advice and assistance; increased powers of DSD to act against misconduct or mismanagement of housing associations; duty on Housing Executive to publish its policies and procedures on anti-social behaviour; change in definition of houses in multiple occupation (HMOs).
Housing (Amendment) Act (Northern Ireland) 2011	Housing Executive given power to undertake community safety initiatives and energy brokering. DSD given power to make regulations to allow the Housing Executive and other statutory authorities to make arrangements for these authorities to carry out Housing Executive functions. Further powers for DSD and local councils in relation to the private rented sector.

**Sources:** Paris et al (2003); Paris (2008); NI Assembly (<http://www.niassembly.gov.uk/>) and government legislation (<http://www.legislation.gov.uk>) web sites, accessed 12<sup>th</sup> December 2011.

**Notes:** (i) Legislation was passed via Orders in Council from 2002- 2007 due to the suspension of the Assembly; (ii) the Private Tenancies (Northern Ireland) Order 2006 has been omitted as it has no direct relevance for the social housing sector. All other housing-related legislation has been included.

Legislation in 2006 and 2010 affected housing associations by transferring the administration of the Social Housing Development Programme from the DSD to the Housing Executive (2006) and in 2010 by strengthening the previously weak regulatory powers of the DSD. The 2010 Act also increased the responsibilities of the Housing Executive in relation to homelessness and anti-social behaviour, including a long overdue requirement to provide free housing advice and assistance. The Housing (Amendment) Act (Northern Ireland) 2011

included further powers for the Housing Executive in the fields of community safety and energy brokering, the latter to enable lower costs to be passed on to tenants, and strengthened DSD and local councils' powers in relation to the private rented sector. DSD was given the power to make regulations providing for the functions of the Housing Executive to be carried out by other statutory bodies (and, in reverse, for the Housing Executive to take on housing-related functions carried out by other statutory agencies), 'if the arrangements are likely to lead to an improvement in the way in which those functions are exercised' (s.21 (1)). This indicates possible structural fluidity over the next few years.

In addition, the Planning Act (Northern Ireland) 2011 devolved most planning policy and development control decisions to local councils and also introduces community planning at council level (subject to final agreement on the number and boundaries of the new councils under the long-running Review of Public Administration<sup>3</sup>). This legislation did not include developer contributions for social housing, however as the general principle of contributions has been included in legislation, it is possible that it may be extended to social housing via planning policy guidance in future.

**Figure Three: Northern Ireland housing inquiries 2001 - 2011**

Date, title and instigator	Key proposals and issues
2001-02: Northern Ireland Assembly Social Development Committee. Two inquiries into Housing in Northern Ireland; three reports published.	A housing strategy for Northern Ireland; better regulation of the private rented sector and HMOs in particular; proposals to move from a mandatory to a discretionary grants system; potential assessed for LSVTs in Northern Ireland; expand the right to buy to include housing association tenants; better support for homeless people.
2004: Housing of Commons NI Affairs Committee. Inquiry into social housing provision in NI.	A housing strategy for Northern Ireland; urgent action needed to increase supply of social housing; introduce developer contributions towards social housing; Northern Ireland housing quality standard
2006-07: Semple Inquiry into affordable housing. Instigated by the Department of Social Development during direct rule. Interim and final reports.	Affordable housing definition; target of 2,000 new social housing units per year; expand foyers for young people; improve planning policy and processes; increase housing density and mixed tenure schemes; support Community Land Trusts; extend access to co-ownership; action on empty homes; improve regulation of private rented sector.
2009-10: Independent Commission on the Future for Housing in Northern Ireland; instigated by the Chartered Institute of Housing.	A housing strategy for Northern Ireland; improve decision-making and regulatory structures; mixed income and mixed tenure developments to be the norm; 'flexible tenure' proposal; provide more social housing; widen homelessness eligibility; developer contributions; explore new forms of investment for social housing; reduce community segregation; more community involvement.

**Sources:** CIH (2010); House of Commons Northern Ireland Affairs Committee (2004); Northern Ireland Assembly Committee for Social Development (2001); Paris (2008); Paris et al (2003); Semple (2007).

<sup>3</sup> <http://www.rpani.gov.uk/> Last accessed 15<sup>th</sup> January 2012. The RPA will not affect the allocation and management of social housing, as the matter is still considered too sensitive for devolution to local councils.

A number of inquiries have taken place since 1999, which have influenced legislation and also the general climate of housing policy debate (Figure Three). The first was the wide-ranging Inquiry into Housing in Northern Ireland held by the Committee for Social Development in 2001-2, which influenced the Housing (Northern Ireland) Order 2003. Its most important proposals were the first of many calls for a Northern Ireland housing strategy, and the dismissal of LSVT as a serious policy option (Northern Ireland Assembly Committee for Social Development, 2001). Two years later, during the suspension of the Assembly, the House of Commons Northern Ireland Affairs Committee (2004) conducted an inquiry into social housing provision and housing need. Concern was expressed about the adequacy of supply of new social housing; the introduction of developer contributions for social housing was urged; and again a housing strategy was recommended. The reports from these inquiries indicate that convergence with English housing policy was, in general, approved by Northern Ireland's politicians and housing professionals, with the exception of LSVT.

More recently, two further inquiries have taken place: the first instigated by government and the other by the Chartered Institute of Housing in Northern Ireland (CIHNI). The Review into Affordable Housing (Semple, 2007) took place at a time of rapidly rising housing prices. The report called for more social housing to be built but also for access to low cost home ownership to be maintained and for developer contributions to affordable housing to be introduced (Northern Ireland is still, at the time of writing, the only part of the UK without this provision). Semple's proposals appear to have influenced the Minister for Social Development's New Housing Agenda (NIA, 2008) issued after the restoration of the Assembly. Finally the Report of the Independent Commission on the Future for Housing in Northern Ireland (CIH, 2010) (hereafter referred to as the Independent Commission) was the product of a three-person Commission, chaired by Lord Richard Best. Its instigation by the CIHNI rather than by a government body showed the CIHNI acting as a proactive agent in the housing policy arena. Many of the issues covered by the final report were not new, including yet again the demand for a housing strategy, for increased supply of social housing, and for developer contributions. Nonetheless, there were new emphases on regulation and on new forms of investment, along with a more serious consideration of the housing consequences of divided communities than had been the case in government-led investigations. In early 2010 it appeared that the Assembly was considering a further inquiry of its own (NIA, 2010), but nothing came of it. In the absence of an overall housing strategy for Northern Ireland over the years, ad hoc strategies were produced for specific policy areas, either by the Housing Executive or the DSD, for example: Supporting People, good relations, homelessness, rural housing, community safety, social housing procurement, fuel poverty, and the private rented sector.

Commitments to social housing were made in both the 2002-2005 and 2008-11 Programmes for Government (OFMDFM, 2002; NIE, 2008). The 2008 Programme for Government commitments were the basis of the New Housing Agenda for Northern Ireland, a document which set out a number of targets to be achieved by May 2011; those relating to social housing included: at least 5,250 new units of social housing; introduction of developer contributions to social and affordable housing; further development of 'mixed community' housing; introduction of a shared ownership option into the House Sales Scheme; a new Procurement Strategy to achieve savings on construction costs; a Code for Sustainable Housing; and measures to alleviate fuel poverty and improve energy efficiency (NIA, 2008).

The only policy unique to Northern Ireland in this list was the encouragement of 'mixed community' housing in relation to Protestant and Catholic households. Others were new to Northern Ireland but in operation in at least one other UK jurisdiction, thus continuing the trend towards policy convergence. The New Housing Agenda contained very little housing market analysis or strategic context for the priorities listed, and omitted a number of crucial areas such as homelessness and supported housing. Of the thirty references in the document, nine were press releases. However, by April 2011 some progress had been made: the new build target had been exceeded, with a total of 5392 units produced over the three years of the New Housing Agenda (NIHE, 2011b; Lloyd, 2011); and all other social housing targets had been met with the exception of developer contributions. The New Housing Agenda marked the beginning of a new phase in Northern Ireland housing policy, in which the previous technocratic approach, dominated by officials, was to be supplemented - although not replaced - by more direct political control by the Minister for Social Development.

### ***Three key issues from the Assembly term 2007-11***

The Assembly and Executive's term of office from May 2007 until April 2011 was the first in which there were no periods of direct rule and during which therefore local politicians can be said to be fully accountable for social housing policy. Despite the fragmented nature of policy development described above, three key issues were identified from policy documents and inquiries (e.g. NIA, 2008; CIH, 2010; NIA, 2010), and interviews: the governance of social housing; the procurement of new social housing; and improving access to shared space and a shared future. A further influential factor identified through interview was demographic change, which it was thought would have an impact on patterns of housing supply and demand including housing support and social care provision for older people.

### *The governance of social housing*

As outlined earlier, Northern Ireland's social housing governance is formally divided into responsibility for policy at the Department for Social Development, strategy and substantial service delivery functions at the Housing Executive, and new social housing development through housing associations. Existing social housing is managed by both the Housing Executive and housing associations. Although in theory it was clear that DSD delivers policy and the Housing Executive strategy, in reality there are grey areas which interviews revealed had caused confusion. One felt that a previously clear division between policy and strategy was being eroded: 'I see strategy as the way policy is implemented, so I still think of [the Housing Executive] as the regional strategic authority, not DSD (although they are encroaching and don't see the distinction)'. A review of the Housing Executive had commenced by April 2011 which was likely to recommend a separation of strategic and management functions. However, it was not evident that such a review would improve clarity *within* the strategic and enabling arena, where the most contestation was found. The need for the DSD to work more closely with the two government departments responsible for spatial planning was also highlighted by the Independent Commission (CIH, 2010).

Both the Housing Executive and housing associations were regulated by the DSD, with different regulatory systems. Fourteen out of 33 housing associations had failed their DSD inspection in 2009 (NIAO, 2009) causing seven associations to be suspended from development. One interviewee felt that the degree of control over housing associations exercised by the DSD meant that lenders might no longer see them as independent, and argued for a lighter regulatory regime. In contrast, another regarded the Housing Executive's degree of scrutiny as being far greater and challenged housing associations' claim to get 'the rough end of the stick'. There was support for a single regulatory regime (CIH, 2010; NIA, 2010) that could be 'proportionate, risk-based and outcome-focused' (interview) and involved residents (CIH, 2010; interview); it would improve trust within policy networks and greater transparency for service users.

Since the founding of the Housing Executive in 1971, social housing had not been under the direct control of politicians. Although this continued to be the case after 1999, the introduction of a directly elected local politician as Minister and a very active scrutiny role played by the Committee for Social Development changed the dynamics of housing policy development. This was particularly evident in the period 2007-11. There was a general view that all the main political parties in the Executive<sup>4</sup> were cautious about making decisions - 'working

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<sup>4</sup> At the time of the interviews, these parties were the Democratic Unionist Party (DUP), Sinn Féin, the Ulster Unionist Party (UUP) and the Social Democratic and Labour Party (SDLP). The Minister for Social Development was from the SDLP.

around at the margins', contrasting with the situation under 'direct rule', when the Minister did not have a Northern Ireland constituency and didn't need to think about votes. Two examples were given: the tendency for local Ministers to agree a smaller rent rise for Housing Executive tenants; and the long delay in introducing developer contributions to new social housing, as in the rest of the UK, attributed to a powerful developer lobby. The legitimacy and importance of political direction was not contested; it was more that some felt uncomfortable that the previous technocratic system was being replaced by a more 'citizen-centric' approach. Despite the greater focus on political accountability, little attention was paid to tenant and resident involvement, identified over the years as an area of weakness (Paris et al, 2003; CIH, 2010) and potential (Muir, 2011) but not included in the Assembly's own document on current housing issues (NIA, 2010).

### *The procurement of new social housing*

Pressure for change in social housing procurement came from several directions during the 2007-11 administration: the continuing promotion of greater efficiency in construction throughout the UK through the Egan Reports agenda (DETR, 1998; Strategic Forum for Construction, 2002), which attained greater prominence due to the impact of the economic downturn on construction jobs in 2008 (Smyth and Bailey, 2009); EU and UK level procurement policy changes; and concern within DSD about the performance of housing associations as discussed in the governance section above: ten out of 33 associations failed inspection in the area of property development (NIAO, 2009). The implementation of Northern Ireland's public procurement policy included the decision, in 2005, to include grant-aided organisations receiving more than 50 per cent of total project costs from the public sector, which included housing associations (DSD, 2010). As a result, a housing Procurement Strategy was included in the New Housing Agenda (NIA, 2008) and implemented from 2009 (DSD, 2008). Prior to 2009, most housing associations made individual bids to the Social Housing Development Programme (SHDP) and, if successful, invited tenders on a one-off basis. There were a few instances of larger associations managing projects on behalf of smaller associations.

The overall goals of the Procurement Strategy were 'to improve the social, economic and environmental return from investment in the SHDP; and procure the programme on a value for money basis and in accordance with best practice' (DSD, 2008: 5). The strategy required a housing association to be part of a procurement group if they wished to bid for development funding. There was a target of ten per cent efficiency savings over a five-year period, to be achieved through the use of supply teams within the procurement groups. Associations continued to manage projects themselves but contracted with firms from the



supply teams. Eventually it was hoped that the groups would have wider purchasing functions. Procurement groups were also required to prioritise their annual development bids before sending them to be assessed by the Housing Executive for inclusion in the SHDP (DSD, 2008).

Housing associations initially formed four procurement groups, containing between six and ten housing associations. One group subsequently disbanded and in April 2011 its members were in the process of being accepted into other groups. This was the starkest illustration of the differences in working relationships. Problems also occurred as a result of the inspection process, as associations which failed their development inspection were suspended from development and their schemes had to be taken over by other associations in the group, or delayed. Lastly, monitoring and evaluation of the strategy through the development of Key Performance Indicators was delayed (Mullins, 2011). However, the procurement groups did establish their consultants' framework structures and prioritised their bids for two annual bidding rounds; the 10 per cent savings target was met easily although in the opinion of one interviewee due more to a decline in construction costs than to systemic efficiencies. One procurement group planned to set up an integrated development team to take development out of the remit of individual associations, which went beyond the intention of the Procurement Strategy. The main obstacle to progress in setting up a contractors' framework was the lack of funding, with no guarantee of work to the value of the relevant EU threshold value for any one contractor (Mullins, 2011).

Therefore implementation of the strategy until April 2011 was patchy. One interviewee claimed it was poorly delivered and had sidestepped the more important procurement challenge of major repairs for Housing Executive stock. Alternatively, another saw the strategy as an important step towards greater efficiency, given the small size of many of Northern Ireland's housing associations. The Procurement Strategy sought to establish a new prescriptive structure at the same time as increased regulation and inspection caused some associations to be suspended from the process and others to consider group structures and mergers rather more seriously than they have done in the past. It may be that in future procurement groups are seen as a transitional stage to mergers or group structures, encouraged by politicians, rather than a permanent solution to social housing procurement in Northern Ireland.

#### *Shared space and a shared future*

The final key issue, unique to Northern Ireland, is the policy commitment to increase the number of areas in which Protestant and Catholic households can live together safely (Gray

et al, 2009). The violent expression of territorial politics led to increasing residential segregation both during and after the Troubles (Shirlow and Murtagh, 2006). According to 2001 census figures, 91 per cent of Belfast's Housing Executive estates contain more than 80 per cent of either Protestant or Catholic households (Shuttleworth and Lloyd, 2007). The picture outside Belfast is more varied (Shuttleworth and Lloyd, 2009). It is anticipated that decreasing segregation in social housing will contribute to better community relations and also to more efficient housing allocation and use of land (CIH, 2010; Deloitte, 2007). Currently, housing in some segregated areas lies vacant because it is not considered to be safe for applicants from the other 'side':

We believe no housing policies or programmes should endanger the lives of tenants, staff, communities, or property... We will support individual housing choice whether it is exercised in favour of single identity or mixed neighbourhoods (NIHE, 2007a: 8).

In the absence of an agreed policy at regional level, action to increase integration in social housing was led by social housing landlords. Both the Good Friday Agreement and the direct rule policy 'A Shared Future' (OFMDFM, 2005) regarded the matter as of the utmost importance. However, the 2007 Executive shelved the policy, indicating that they wished to introduce a replacement, 'Cohesion, Sharing and Integration' (NIA, 2009). After a lengthy and contentious delay, the consultation draft was issued in the summer of 2010. Echoing previous policy, respondents saw housing and education as top priorities for greater integration and proposed that a housing strategy should include the objective to reduce segregation, whilst also acknowledging that there were still areas where mixing was impractical and unsafe at the present time (Wallace Consulting, 2011).

Nonetheless, the Housing Executive and housing associations proceeded with a programme of activities to promote community cohesion and shared housing in the period 2007-2011, informed by previous research by Murtagh (2001). A Community Cohesion policy included five areas of activity: reduction or removal of flags, emblems and sectarian symbols; promotion of shared housing and shared space; improving race relations (between the two main communities and the growing minority ethnic population); better community relations at the flashpoint 'interface' boundaries, and improving the environment in 'communities in transition' where population change has left derelict sites and unoccupied housing, primarily inner city Protestant areas.

Encouraging shared space through two new approaches to housing allocations was an important part of the policy. The Shared Future Housing Programme was introduced for new schemes built and managed by housing associations, allocated on a mixed basis with

tenants signing a neighbourhood charter, essentially a good neighbour agreement which recognises the shared nature of the new development and requires behaviour in accordance with this. The first three high profile developments featured prominently in the New Housing Agenda (NIA, 2008) and were supported strongly by the Minister for Social Development. Subsequently, every new scheme was screened for its potential as a Shared Future scheme (NIA, 2008) although with the recognition that there were still areas where this would not be practical. The Shared Neighbourhood Programme (NIHE, 2007b) was for thirty existing Housing Executive areas, in which tenants signed a Shared Neighbourhood Charter. Both programmes are part funded by the International Fund for Ireland. The initiatives were described rather bluntly by one interviewee as 'back to what it was' and this participant believed that far more should be done. Another believed that the introduction of mixed tenure Shared Future schemes would be beneficial and that the introduction of choice-based letting, giving tenants more autonomy in their housing choices, might speed up the process of integration.

### **Social housing policy under devolution: policy difference or policy ownership?**

The social housing policy-makers were also asked for their responses to concepts of policy difference and policy ownership, referring back to Figure One and the material in the earlier section on policy dynamics under UK devolution. To begin, questions were asked about the impact of the peace process and the economic crisis; then about the meaning attached to both policy difference (worded at that stage as 'convergence' and 'divergence') and policy ownership. There was general agreement that economic change (several disliked the word 'crisis') would have a far greater impact on Northern Ireland's future than the further development of the peace process, although it was also pointed out that the two factors are linked as 'peace' has an economic impact due to the costs of division (Deloitte, 2007). It was pointed out that Northern Ireland has been able to ask the UK Treasury for special treatment in the past, however, ironically, a more peaceful society removes this possibility.

Interviewees were shown a copy of Figure One and asked which factors they felt were particularly important. Professional policy networks were identified by the majority, for example the Chartered Institute of Housing and the Royal Institution of Chartered Surveyors. Special mention was made of the way in which the CIH Housing Commission (CIH, 2010) had been an excellent forum for the sharing of ideas from across the UK and contrasted with one view of local capacity for policy development: 'I don't see yet the emergence of a truly informed locally based policy network, and this is, sadly, reflected in fairly poor quality local policy making'. Perhaps surprisingly, membership of the European Union was also highlighted, along with the shared culture of the welfare state and, to a lesser extent,

common tax and benefits system as a driver towards convergence, 'pulling policy together'. The political process at UK level wasn't seen as important, with Secretaries of State as 'figureheads' only.

Opinions were then sought about differences in social housing policy across the UK, and in particular about whether the influence of England remained strong. There was a clear view that policy had converged since 1999 and would continue to do so given the underlying financial framework of the block grant and also the common welfare state: 'breaking parity' (NIA, 2011) was not seen as a realistic option. One participant felt that discussion of 'convergence or divergence' was unhelpful, because social housing delivery structures (and those of many other public services) had been so different in Northern Ireland since 1971. All thought England's influence remained strong, for example the Decent Homes Standard, fuel poverty indicators, energy efficiency, procurement groups and mixed tenure development. There was no enthusiasm for this, for example with reference to private sector grants: 'the focus is to reduce expenditure and the English "solution" is being touted as the way forward – no evidence, no analysis, just rhetoric', and more generally, the description of reaching for English policy documents as 'intellectual laziness and fuzzy thinking'. One thought that Scotland would be a better model to follow than England, but no-one mentioned looking outside the UK for alternative policy approaches. It was particularly striking that social housing policy in the Republic of Ireland was not mentioned; there is no all-Ireland approach to housing policy at all, although the British – Irish Council has carried out some work on the subject<sup>5</sup> Although in general there was no discussion of exporting policy from Northern Ireland to the rest of the UK, one participant did suggest that the approach to shared space and a shared future could be of benefit elsewhere.

Finally, the concept of policy ownership was introduced. It was recognised and in general seen as relevant and perhaps almost as commonplace, because politicians with any degree of power will claim credit for policy success as 'the buck will stop with them'. It was remarked upon that politicians refer to local issues all the time but are addressing them by looking at policies from England or Scotland; as McEwan (2005) noted in relation to Quebec, control over policy was considered to be more important than its uniqueness. Although some were disparaging about this approach - 'there is no substance to it and the perspectives are very short term' – others felt originality was over-rated and that it was important to utilise good practice from elsewhere. The acknowledgement of policy ownership was connected to the prominence of social housing governance issues during 2007-11 and the greater

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<sup>5</sup> <http://www.britishirishcouncil.org/communiqu%C3%A9s/communiqu%C3%A9-2nd-housing-ministerial-meeting> Last accessed 18<sup>th</sup> May 2012.

involvement of politicians, as discussed earlier. The 'appearance of distinctiveness' (McEwen, 2005: 539), existing alongside the lack of evidence for substantive policy difference, was illustrated thus:

I detect something of a conflict on policy post devolution. On the one hand politicians do say they want Northern Ireland solutions for Northern Ireland problems, but the evidence on the ground is not there; in reality, unionist politicians are even more strongly drawn to the parity issue, and nationalists seem intent on all Ireland solutions. Difficult to reconcile!

## **Conclusion**

The commitment to social housing which was evident from Northern Ireland's politicians before devolution did not change in the period 1999 – 2011. The difference is that politicians have had more power to influence policy and delivery since 1999, particularly during the fully functioning administration of 2007-11. The legislation and inquiries that have taken place do not reveal the development of a different social housing policy agenda from the rest of the UK; indeed, the 2003 and 2004 Housing Orders (Figure Two) aligned policy more closely with England. Nevertheless, a structural difference remained, with the main social housing landlord still not under direct democratic control at regional or local level by 2011, as housing allocations in particular were considered still to be too politically sensitive. In addition, the still stark territorial divisions in social housing remained an important difference between Northern Ireland and the rest of the UK.

Housing policy during this period was based on two principles: that more social housing should be provided to meet housing need; and the promotion of homeownership, most notably in the New Housing Agenda (NIA, 2008). But the lack of a regional housing strategy led to problems with policy coherence, which has been most evident for social housing in the implementation of the Procurement Strategy (DSD, 2008) and the absence of an independent regulatory body for the sector. The three key issues identified in the 2007-11 administration (governance, procurement and a shared future) show the development of a more dynamic policy field, with a problem solving approach that is moving beyond the formal remit of inquiries into the informal parameters of network governance, including the greater involvement of politicians. The contribution of the Chartered Institute of Housing's Independent Commission on the Future for Housing in Northern Ireland (CIH, 2010) was particularly influential and is an example of a professional umbrella organisation making a substantial contribution to the development of policy networks in a small jurisdiction. The Commission noted:

the emergence of a deeper and richer policy debate on housing in Northern Ireland – due in no small part to the priority attached to housing by the Minister for Social Development, and to the role played by key agencies and organisations. We also note the active role played by the Social Development Committee in providing robust and effective Assembly scrutiny of housing policy and strategy (CIH, 2010: 41).

It was also clear that the increasing involvement of politicians in social housing policy and implementation was a culture shock and not welcomed by all. Again the New Housing Agenda (NIA, 2008) was a turning point in being very publicly introduced and monitored by the Minister for Social Development. Participants in social housing policy networks regarded McEwan's (2005) concept of policy ownership as more relevant than the question of whether policy was actually different from the rest of the UK, and were struggling to come to terms with the difference between the substance (or lack of it) of social housing policy and the presentation of that policy by Northern Ireland's new political establishment.

Therefore the 2007-11 Assembly and Executive electoral term marked a transitional phase between a technocratic past, in which bureaucrats were in control, and policy ownership of the social housing policy field by newly powerful elected politicians. This gradual transition may be why the very active Northern Ireland policy networks, complete with impressive links to other parts of the UK, were unable to move forward cherished policy goals such as a housing strategy, developer contributions, and – in a wider policy arena – the 'Cohesion, Sharing and Integration' strategy. The dynamics of social housing policy changed under devolution, but that change was gradual, and had not ended by 2011. Politicians were becoming more determined to take the lead, but not necessarily in order to develop policies that differed from the rest of the UK.

The case of social housing in Northern Ireland prompts some wider reflections on the implications for UK social policy, for UK devolution, and for policy more generally in devolved and federal states. In terms of social policy, the case raises the question about the most effective level to which particular policy areas should be devolved and, more importantly, which other policy areas should be aligned with them at that level. The social housing case reveals that the lack of control of the devolved jurisdictions over welfare benefits and, in particular, individual housing rental subsidy, constrains policy options. This is particularly so for the assemblies in Northern Ireland and Wales, that do not have additional tax-raising powers. Regarding UK devolution, the case shows that devolution of powers may not necessarily lead to different policies across the UK, and that effective policy networks and sharing of good practice UK-wide and internationally remains crucial, along with the sharing of wider experience within the jurisdiction. It is useful to identify factors that contribute to

policy difference, as has been done in this paper, but they are part of a wider picture. In particular, neither convergence nor divergence is inherently the best option. Finally, the case has strengthened the argument for the appropriateness of McEwan's (2005) concept of 'policy ownership' within the complex governance structures of devolved and federal states, adding to her case studies of Quebec and Scotland. With multiple levels of democratic accountability within a single state, it is not surprising that politicians seek to differentiate their responsibilities from others and highlight their alleged successes.

Soon after the restoration of full devolution in Northern Ireland in May 2007, the 'credit crunch' and the subsequent sovereign debt crisis indicated that hopes for greater prosperity in a more peaceful society might not be fulfilled. The formation of the UK Conservative and Liberal Democrat Coalition Government after the May 2010 general election has led to decisions on cuts to the devolved jurisdictions' block grant which had not been implemented by April 2011. Governance issues were considered to have had more of an impact than economic change on social housing policy in the 2007-11 Assembly. It will be interesting to see whether the priorities are reversed by April 2015.

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